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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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C 356-94

MAI, H EXAMINER

ESM1/0212

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ART UNIT PAPER NUMBER

2515

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DATE MAILED: 02/12/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice re Patent Drawing, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ \_\_\_\_\_

Part II SUMMARY OF ACTION

- ☒ Claims 1-38 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

- ☐ Claims \_\_\_\_\_ have been cancelled.

- ☐ Claims \_\_\_\_\_ are allowed.

- ☒ Claims 1-38 are rejected.

- ☐ Claims \_\_\_\_\_ are objected to.

- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

- ☐ Formal drawings are required in response to this Office action.

- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

- ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

- ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).

- ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

- ☐ Other

EXAMINER'S ACTION

### **Part III DETAILED ACTION**

#### ***Specification***

1. The following is a quotation of the first paragraph of 35 U.S.C. § 112:  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention.

The specification fails to disclose clearly and distinctly between the alignment assembly 27 and the patient head rest with alignment means 58,59. It appears that the terminology "the alignment assembly" describes the element 27 for providing the near field and far field fixation targets rather than for aligning the apparatus respect to the patient's eye.

The specification fails to disclose why the convex generally rectangular slit will provide a convex generally rectangular slit image. Does Applicant mean the time that the light travels each point from the convex generally rectangular slit to the corresponded point on the surface of the cornea being the same? Should the convex generally rectangular slit have substantially the same shape with the cornea? It appears to the examiner that the projected image of a rectangular slit or of a convex generally rectangular slit on the concave surface of the cornea is a convex generally rectangular slit image because of the concave surface of the cornea.

***Claim Rejections - 35 USC § 112***

2. Claims 1-38 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

3. Claims 1-38 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The structure of claims 1-19 is unclear. The limitations "means for aligning the eye along a predetermined axis" (claim 1, line 2) and "means for aligning the eye along a predetermined axis comprising a first target means and a second target means"(claim 2, lines 1-3) are confusing. The target means in claim 2 do not perform the function of aligning as aligning means in claim 1. The feature "an image of said eye resulting from said projection aligned at a predetermined angle from said means for projecting" (claim 1, lines 5-7) is unclear. What does Applicant mean by "an image resulting from said projection" in claims 1, 7 and 23? The comma "," after "and" in claim 1, line 7; claim 20, line 2 and claim 22, line 11 should be deleted. Does Applicant mean "said apparatus" (claim 12, line 2; claim 13, line 2 and claim 14, lines) by "said capturing means"? The phrase "said processing means" (claim 13, line 1) has no antecedent basis. It is unclear how the determining means in claim 16 relate to said means in claim 1. What does Applicant mean by visual alignment in claim 22? The structure of camera means aligned at a predetermined angle from said slit lamp means in claim 22, lines 9-11 is unclear. It is unclear to what the housing is mounted? What does Applicant mean by "selected arc"(claim 27, lines 2-3) and "read" (claim 27, lines 13,25)? What is the imaging axis (claim 27, line 15)? The limitations

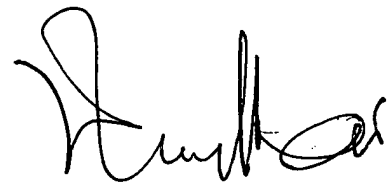
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in claim 27, lines 12-17 are not understood. It is unclear what the aligning function of the alignment assembly is. Does Applicant mean "said device"(claim 35, line 2; claim 36, line 2 and claim 38, lines 3,4)?

The remaining claims are dependent upon the rejected base claim and thus inherit the deficiency thereof.

4. It appears that means for rotating the projecting means and the capturing means about the optical axis of the eye could be allowable over the prior art of record.
5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
6. The Information Disclosure Statement filed May 17, 1995, is acknowledged.
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (703) 308-4874.



Huy Mai

HM/  
January 31, 1996